

TREVOR R. PINCOCK
WSBA #36818
JED W. MORRIS
WSBA #13832
BURKE D. JACKOWICH
WSBA #31722
LUKINS & ANNIS, P.S.
1600 Washington Trust Financial Center
717 W Sprague Ave
Spokane, WA 99201-0466
Telephone: (509) 455-9555
Facsimile: (509) 747-2323

Attorneys for Creditor
Washington Trust Bank

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

EASTERDAY RANCHES, Inc., et al,
Debtor(s).

WASHINGTON TRUST BANK,
Plaintiff(s),

v.

EASTERDAY RANCHES, INC;
EASTERDAY FARMS; CODY
EASTERDAY; DEBBY EASTERDAY;
KAREN EASTERDAY; individually and
in her capacity as personal representative
of the Estate of Gale Easterday,

Defendant(s).

NO. 21-00141-WLH11

ADV. No. 21-80010-WLH

JOINT STATEMENT AND NOTICE
OF INJUNCTION IN LIEU OF JOINT
STATUS REPORT AND
DISCOVERY PLAN

I. INTRODUCTION

PLAINTIFF WASHINGTON TURST BANK, by and through its attorneys
Lukins & Annis, P.S., files this Statement and Notice of Injunction in Lieu of the
Joint Status Report and Discovery Plan and requests that the court stay all further

JOINT STATEMENT AND NOTICE OF
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REPORT AND
DISCOVERY PLAN: 1

LAW OFFICES OF
LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
Spokane, WA 99201
Telephone: (509) 455-9555
Fax: (509) 747-2323

5/28/21

proceedings in ADV. No. 21-80010-WLH until such time as the Consent to Injunction executed by Washington Trust Bank on May 4, 2021 as part of the Cooperation Agreement entered into by Debtors and the Non-Debtor Sellers on April 28, 2021 expires or is terminated by its terms.

II. RELEVANT FACTS

1. On April 12, 2021, Defendant Cody Easterday filed a Notice of Removal of Plaintiff Washington Trust Bank's state court claims (ECF No. 559).

2. As a result of the removal, the present adversary proceeding was filed and the court issued a Notice of Scheduling Conference on April 13, 2021 (ECF No. 2).

3. On April 28, 2021, the Debtors and the individual Defendants, Cody Easterday, Debby Easterday, and Karen Easterday, individually and in her capacity as a personal representative of the Estate of Gale Easterday, entered into a Cooperation Agreement. See Declaration of Burke Jackowich, ("Jackowich Decl."), Exhibit A, Cooperation Agreement.

4. Among other things, the Cooperation Agreement called for certain "Enjoined Parties" to agree to be enjoined from the "commencement or continuation ... of a judicial [...] action or proceeding against any Non-Debtor Sellers." Id. at p. 12.

5. On May 4, 2021, Plaintiff entered into a Consent to Injunction and became an Enjoined Party within the meaning of the Cooperation Agreement. See Jackowich Decl. Exhibit B, Consent to Injunction.

6. In preparing for the scheduling conference, the parties discussed the concern that filing a Joint Case Status Report and Discovery Plan pursuant to Rule 26(f) could be considered a continuation of a judicial proceeding against the Non-

JOINT STATEMENT AND NOTICE OF
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REPORT AND
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LAW OFFICES OF
LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
Spokane, WA 99201
Telephone: (509) 455-9555
Fax: (509) 747-2323

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1 Debtor Sellers and would be a violation of the Cooperation Agreement and
2 Consent to Injunction.

3 7. Based on these concerns, the parties did not meet and confer and have
4 not prepared a Joint Status Report and Discovery Plan. Plaintiff files this
5 statement in the alternative.

6 **III. CONCLUSION**

7 8. Plaintiff requests that the court stay all further deadlines and
8 proceedings in this adversary action until such time that the Cooperation
9 Agreement is terminated or otherwise expires, at which time the Plaintiff will
10 contact the court to request a scheduling conference.

11
12 DATED this 28th day of May, 2021.

13
14 LUKINS & ANNIS, P.S.

15
16 By: /s/ Burke D. Jackowich
17 TREVOR R. PINCOCK
18 WSBA #36818
19 JED W. MORRIS
20 WSBA #13832
21 BURKE D. JACKOWICH
22 WSBA #31722

23
24 Attorneys for Plaintiffs
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JOINT STATEMENT AND NOTICE OF
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REPORT AND
DISCOVERY PLAN: 3

LAW OFFICES OF
LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
Spokane, WA 99201
Telephone: (509) 455-9555
Fax: (509) 747-2323

5/28/21

1 TONKON TORP, LLC.

2
3 By: /s/ Timothy J. Conway
4 TIMOTHY J. CONWAY,
5 WSBA #52204

6 Attorney for Defendant Karen
7 Easterday

8 SUSSMAN SHANK, LLP

9
10 By: /s/ Laurie R. Hager
11 LAURIE R. HAGER
12 WSBA # 38643

13 Attorney for Defendants Cody and
14 Debby Easterday

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JOINT STATEMENT AND NOTICE OF
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REPORT AND
DISCOVERY PLAN: 4

5/28/21

LAW OFFICES OF
LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
Spokane, WA 99201
Telephone: (509) 455-9555
Fax: (509) 747-2323

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of May, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filings to all registered participants in the CM/ECF system in this case.

SIGNED this 28th day of May, 2021, at Spokane, Washington.

LUKINS & ANNIS, P.S.

By/s/ Sheana Loomis
SHEANA LOOMIS
Legal Assistant

JOINT STATEMENT AND NOTICE OF
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DISCOVERY PLAN: 5

5/28/21

LAW OFFICES OF
LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
Spokane, WA 99201
Telephone: (509) 455-9555
Fax: (509) 747-2323